

House Study Bill 678 - Introduced

HOUSE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON QUIRK)

A BILL FOR

1 An Act relating to the contents of certain motor carrier
2 transportation contracts by declaring certain indemnity
3 provisions to be unlawful and void.
4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 325B.1 Contents of motor carrier
2 transportation contracts — certain provisions void.

3 1. As used in this section:

4 a. "*Motor carrier*" means the same as defined in section
5 325A.1.

6 b. "*Motor carrier transportation contract*" means a contract,
7 agreement, or understanding related to any of the following:

8 (1) The transportation for hire of property by a motor
9 carrier.

10 (2) The entrance upon property by a motor carrier for the
11 purpose of loading, unloading, or transporting property for
12 transportation for hire.

13 (3) A service incidental to the activities described in
14 subparagraph (1) or (2), including but not limited to the
15 storage of property.

16 c. "*Transportation for hire*" means the same as defined in
17 section 325A.1.

18 2. Notwithstanding any provision of law to the contrary,
19 a motor carrier transportation contract, whether express or
20 implied, shall not contain a provision, clause, covenant, or
21 agreement that purports to indemnify, defend, or hold harmless,
22 or has the effect of indemnifying, defending, or holding
23 harmless, the motor carrier transportation contract's promisee
24 from or against any liability for loss or damage resulting
25 from the negligence or intentional acts or omissions of the
26 promisee, or any agents, employees, servants, or independent
27 contractors who are directly responsible to the promisee. This
28 prohibition applies to any provisions or agreements collateral
29 to or affecting a motor carrier transportation contract. Any
30 such provisions, clauses, covenants, or agreements are void and
31 unenforceable.

32 3. This section does not apply to the uniform intermodal
33 interchange and facilities access agreement administered by the
34 intermodal association of north America, as amended, or other
35 contracts or agreements providing for the interchange, use, or

1 possession of intermodal chassis or other intermodal equipment.
2 4. This section applies to motor carrier transportation
3 contracts entered into, extended, or renewed on or after July
4 1, 2010.

5 EXPLANATION

6 This bill creates new Code section 325B.1 relating to the
7 contents of certain motor carrier transportation contracts,
8 as defined in the bill. The bill prohibits a motor carrier
9 transportation contract, whether express or implied, from
10 containing a provision, clause, covenant, or agreement that
11 purports to indemnify, defend, or hold harmless, or has the
12 effect of indemnifying, defending, or holding harmless, the
13 motor carrier transportation contract's promisee from or
14 against any liability for loss or damage resulting from the
15 negligence or intentional acts or omissions of the promisee, or
16 any agents, employees, servants, or independent contractors who
17 are directly responsible to the promisee.

18 The bill does not apply to the uniform intermodal
19 interchange and facilities access agreement administered by the
20 intermodal association of north America, as that agreement may
21 be amended, or other contracts or agreements providing for the
22 interchange, use, or possession of intermodal chassis or other
23 intermodal equipment.

24 The bill applies to motor carrier transportation contracts
25 entered into, extended, or renewed on or after July 1, 2010.